

REMARKS

Claims 1-6, 8-15 and 18 are pending in the application.

Claims 1-6, 8-15 and 18 have been rejected.

No claims have been amended, and reconsideration of the claims is respectfully requested in light of the following arguments and remarks.

I. **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-6, 8, 12-15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U. S. Patent Application Publication No. 2002/0042277) in view of Zonoun (PCT International Publication WO 02/33897). Claims 9-11 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Smith (U. S. Patent Application Publication No. 2002/0042277) in view of Zonoun (PCT International Publication WO 02/33897) and further in view of Takeda (US 7,286,520). These rejections are respectfully traversed.

Claim 1 recites: (1) receiving a first request message from a multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE).

The most recent Office Action dated December 4, 2009 appears to argue that Smith's information request 85 from the Company Representative 81 reads on receiving a first request message from a multimedia server. See, Office Action, page 3. As a result, the Company Representative 81 must be read, for purposes herein, as equivalent to Applicants' multimedia server. Applicants respectfully assert that the Company Representative 81 cannot be deemed equivalent to Applicants' recited multimedia server. The Office Action does not dispute this, as it concedes that "Smith fails to disclose receiving a first request message from the multimedia server (Smith: Fig 6: 85 & paragraph 0045) in response to the multimedia server receiving an emergency request message from user equipment (UE)." Office Action, page 3.

The Office Action then asserts "it was well known in the art to provide receiving a first request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE)" as taught by Zonoun, citing Figures 2-8 and

page 8, lines 10-25. Office Action, page 3. The Applicants respectfully traverse the assertion that the Zonoun reference discloses this missing element, or its combination with Smith teaches or suggests Applicants' claimed invention. Nowhere does the Office Action point out which elements in Zonoun are the UE and the multimedia server, respectively. It *appears* the Office Action argues that the computer system 200 is the UE (by citing to page 8, lines 10-25), but the Office Action does not point out which component of Zonoun is the multimedia server. Zonoun's computer system 200 includes an emergency activation button 202 that, when selected by a user, causes the computer system 200 to send an emergency call to an emergency dispatch center 112 over a data network 12 using HTTP or SIP messages. Zonoun, pp. 7-8. No "multimedia server" has been specifically described or identified in Zonoun. Thus, the Office Action has failed to establish, *prima facie*, that Zonoun discloses all of the elements of the claim phrase at issue.

Even if the Office Action were to argue that an intermediate SIP or other device (positioned between the computer system 200 and the emergency dispatch center 112) is equivalent to Applicants' recited multimedia server, the relevant portions of Zonoun merely describe the conventional sending of a SIP or HTTP emergency call from a computer terminal 200 (UE) to an emergency dispatch center 112. In such a case, Zonoun does not appear to describe that the emergency dispatch center 112 receives a request message from an intermediate device, the emergency dispatch center 112 communicate a location request (to somewhere), the emergency dispatch center 112 receives a location response (from somewhere), and then the emergency dispatch center 112 apparently must communicate a second request message to the intermediate device – in order to be combined with Smith and have the combination meet the other recited elements of Claim 1. See, Claim 1. Thus, it does not appear that a combination of Zonoun with Smith would render a method (or communications system) that is logical, let alone practical.

Moreover, it is impractical for the Company Representative 81 in Smith to be replaced by the computer system 200 of Zonoun. The Company Representative 81 does not issue an emergency call, while in Zonoun the computer system 200 generates the emergency call. Thus, it is not the location of the Company Representative 81 in Smith that is relevant – it is the location of the

subscriber UE that generated the emergency call that is important. Based on this, the proposed combination of Zonoun with Smith is impractical and would not result in the claimed invention.¹

For at least these reasons, Claims 1-6, 8-15 and 18 are patentable over the cited references and the rejections have been overcome. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 1-6, 8-15 and 18.

II. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@munckcarter.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,
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¹ Takeda does not cure the noted deficiencies in Smith and Zonoun (see also, Applicants' prior responses).